

Public Comment Hearings
September 25, 2003, 7 p.m. to 9 p.m., Green Valley, AZ
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PUBLIC COMMENT HEARING RE:

DRAFT ENVIRONMENTAL IMPACT STATEMENT
TUCSON ELECTRIC POWER COMPANY
SAHUARITA-NOGALES TRANSMISSION LINE

Green Valley, Arizona
September 25, 2003
7:00 P.M. to 9:00 P.M.

RAYNBO COURT REPORTING, LTD.
3625 West Gailey Drive
Tucson, Arizona 85741
520/744-2293

Reported by: Raynbo Silva, RPR, CSR, CCR
Certified Court Reporter No. 50014

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1 PANEL:
2 ANTHONY COMO, Department of Energy
3 ELLEN RUSSELL, Department of Energy
4 BRIAN MILLS, Department of Energy
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13 The above hearing was held at the SANTA RITA
14 SPRINGS FACILITY, RECREATION DEPARTMENT, 921 Via Rio
15 Fuerta, in the City of Green Valley, County of Santa Cruz, State of
16 Arizona, before Raynbo Silva, RPR, CSR, CCR, Court Reporter
17 No. 50014, in and for the County of Pima, State of Arizona,
18 on the 25th day of September, 2003, commencing at the hour
19 of 7:06 P.M.
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23 * * * *
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25

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1 MR. ANTHONY COMO: My name is Tony Como. I am
2 with the U.S. Department of Energy, and we are here tonight
3 to collect some comments from you on a Draft Environmental
4 Impact Statement that we distributed a little over a month
5 ago.

6 We are here almost exclusively to listen to you,
7 but I need to give maybe an opening monologue, a short one,
8 on why we're here and what we hope to accomplish and some of
9 the protocols of the meeting.

10 First, I would just like to call your attention to
11 the fact that we have a court reporter. That is not to
12 imply that this is a legal proceeding. We just don't want
13 to lose track of anything that's said. So she is only here
14 to record information.

15 But in that regard whenever you do get up to make
16 a statement, either at the microphone in the aisle or up
17 here at the podium, if you could just indicate what your
18 name is, we have cards with your names on it, so you don't
19 need to spell it, but if you get up more than once in the
20 course of the meeting, again, just say who you are so the
21 court reporter can keep track of that.

22 Again, speak slowly and distinctly so she can pick
23 up everything that's said. And especially if you're going
24 to be using any technical terms or terms of art, it might be
25 helpful to spell it for her, also. She is getting used to

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1 us, though. She is probably not going to have too many
2 problems.

3 What has gotten us here? Well, about two and a
4 half years ago Tucson Electrical Power applied to the
5 Department of Energy for a Presidential Permit.
6 They need one because they propose to build a
7 transmission line across the U.S. International border with
8 Mexico.

9 If the transmission line were not crossing the
10 border, the Department of Energy would not be involved in
11 it.

12 So the exclusively domestic project we wouldn't
13 have any role in it whatsoever. Other Federal agencies
14 would.

15 So before DOE or any Federal agency makes a
16 decision that could involve significant environmental
17 impacts, we prepare an Environmental Impact Statement to
18 identify what those impacts are. We did that. We
19 distributed the draft sometime in August. And now we're
20 here to collect comments on the draft document that
21 hopefully you all received.

22 We're going to get your comments here today. You
23 can still submit written comments to us at various ways of
24 getting in touch with us. I think the information is out
25 there, E-mail, FAX, old snail mail. They all count the same

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1 way as anything you may choose to say here today. This is
2 just another way of collecting that information.

3 Comment period closes on October 14th. That does
4 not mean that we will not consider stuff that we receive on
5 October 15th or November 15th. It just means that after
6 that we're going to start pulling things together and
7 figuring out how we need to modify the draft document to
8 prepare a final.

9 We will always consider comments as much as
10 practicable whenever we get them and right up until the time
11 we are getting ready to publish the final, but we would
12 encourage you to get them in to us as soon as possible to
13 give us a good chance to think about them and adequately
14 address them.

15 Everything you say here, anything you send us at
16 home you will actually see photographically reproduced in
17 the final document. We will indicate who you are,
18 everything that you said word for word and all of the points
19 that you might make here and next to that how we might have
20 modified the document to address the points that you've
21 made.

22 When does that happen? Well, that's really a
23 matter of how many comments we get, the nature of them and
24 how much extra work we have to do to address them. We're
25 talking it will probably take months, three, four months at

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1 a minimum before we have a Final Environmental Impact
2 Statement distributed back on the streets for you all to get
3 a copy of. So I wouldn't even think of looking for anything
4 from us for several months anyway.

5 Let me introduce some of my colleagues here. With
6 me is Brian Mills from the Department of Energy's Office of
7 NEPA Policy and Compliance, Ellen Russell, who works with me
8 in the Fossil Energy, DOE's Environmental Attorney Rick
9 Ahern. And in the back of the room two of my colleagues,
10 Keith Moon from the Bureau of Land Management and Jerry
11 Connor from the U.S. Forest Service.

12 And our document is a joint or a collective
13 effort, I should say, among the Department of Energy, BLM,
14 the U.S. Forest Service and the International Boundary and
15 Water Commission.

16 So we all collaborated in the preparation of the
17 document because while it is DOE's action to either issue or
18 deny the permit for the border crossing, the project, also,
19 is proposed to cross some land managed by the Bureau of Land
20 Management and/or the Forest Service, and each of them have
21 separate review processes that they have to follow in
22 addition to the Department of Energy.

23 Just one last bit of housekeeping. It's a late
24 meeting. We are closing at 9 o'clock. I don't know how
25 many people are registered to sign up, but in deference to

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1 all of your friends and neighbors that are here, to give
2 everybody a chance to speak if you could limit your comments
3 initially to five minutes. If everybody has had a chance to
4 speak and we have still got plenty of time left and you want
5 to say some more, you are welcome to come up and do it
6 again. But at least the first time around if you can keep
7 it to five minutes, that will help everybody have a shot.

8 Ellen Russell is telling me if some of you here
9 don't have copies, we have three extra copies of the summary
10 of the document and a real copy of the entire document, and
11 I think the summaries also contain CD ROMS of the entire
12 document.

13 Odessa, correct me if I'm wrong, the two young
14 ladies who are taking names of people who want to speak, you
15 can also sign up to add your name to our mailing list, and
16 we will be glad to send you your very own copy when we get
17 back to Washington.

18 Our first speaker would be Peter Ragan.

19 MR. PETER RAGAN: Hello, my name is Peter Ragan,
20 and I live in Arivaca.

21 I moved there about six months ago in large part
22 because of the beautiful landscape surrounding the town and
23 including the Tumacacori EMA and the Coronado National
24 Forest. I have been to Sycamore Canyon many times with many
25 friends, some of them professional archaeologists and

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1 botanists. All of them expressed fascination and delight
2 with the beauty and diversity of the place.
3 I have visited Peck Canyon several times and hiked
4 up to Apache Pass and up to Bear Grass Tank north of the
5 pass. It is completely mystifying to me and to anyone who I
6 have talked to how anyone could contemplate running an
7 enormous power line through this area.

PR-1

8 TEP's preferred western route simply guts the
9 center of the National Forest weaving and dodging it so it
10 can claim it doesn't affect any wilderness or roadless
11 areas. It's nothing less than an abomination.
12 The crossover route adds insult to abomination by
13 trying to run through a vibrant, beautiful canyon, one that
14 has had water and abundant wildlife in it every time I
15 visited.

16 The central route, while seemingly less impactful
17 is not fundamentally better than the others. It's a
18 difference of quantity, not quality.

PR-2

19 Any of the routes would require amendments to the
20 Forest Management Plan because there is substantial negative
21 impacts to scenic integrity and remoteness in the National
22 Forest. But it is the transmission line that needs amending
23 or scrapping, not the Forest Management Plan.

PR-3

24 Of the alternatives presented in the DEIS a no
25 action alternative is the best.

Comment No. PR-1

Sections 3.1 and 4.1 describe the existing land uses on the Coronado National Forest, including wilderness and roadless areas, and analyze potential land use impacts from the proposed transmission line for each of the proposed corridors. Also refer to Sections 3.12 and 4.12, Transportation, regarding existing roadless areas and potential impacts to these areas.

Sections 3.3 and 4.3 describe the existing biological resources and potential impacts to these resources, including impacts associated with the Crossover Corridor. Section 3.7.1.3 states that Peck Canyon, which is encompassed by a portion of the Crossover Corridor, is a perennial surface water, and Section 4.7.1.3 evaluates impacts to water resources within Peck Canyon.

Comment No. PR-2

Section 3.1.1, Land Use, in the Draft EIS identified that Forest Plan amendments would be required for implementation of the proposed project, and Appendix H contains the supporting analysis for the proposed Forest Plan amendments.

Comment No. PR-3

The Federal agencies note the commentor's preference for the No Action Alternative.

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	<p>1 TEP has grafted its purpose, its desire onto the</p> <p>2 only real need here, that of increasing electrical</p> <p>3 reliability to Nogales. TEP is using Nogales' need and the</p> <p>4 ACC mandate for improvement to expedite their speculative</p> <p>5 money-making scheme.</p>
PR-4	<p>6 The DEIS dismisses any suggestion that what may</p> <p>7 happen in Mexico as speculative, but there is nothing more</p> <p>8 speculative in the DEIS than the concept of selling power to</p> <p>9 and from Mexico. But it's taken as a given. There is no</p> <p>10 legal or technical framework to get power across the border.</p> <p>11 This speculative business venture for which there</p> <p>12 is no present need should not be allowed to trash the</p> <p>13 National Forest pretending that it serves a legitimate need,</p> <p>14 that of Nogales.</p>
PR-5	<p>15 Many flaws and omissions occur in the DEIS.</p> <p>16 Examples are TEP dismisses alternatives out of hand, and the</p> <p>17 DOE seemingly looks the other way.</p> <p>18 A smaller line down the existing utility corridor</p> <p>19 is a viable alternative. TEP says it's too close to others</p> <p>20 and they could fall prey to the same natural catastrophe.</p> <p>21 This is not an industry standard or a construction code.</p> <p>22 This is an excuse to avoid a simple, inexpensive and</p> <p>23 efficient alternative.</p> <p>24 Consideration and analysis of a new power plant in</p> <p>25 the U.S. near the border was specifically mentioned for</p>

Comment No. PR-4

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." See further discussion of purpose and need in Section 1.2.

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

Comment No. PR-5

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

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| PR-5
cont. | 1 consideration by the DOE in the Federal Register of
2 July 10th, 2001.
3 In the DEIS this consideration is dismissed
4 summarily as not serving the purpose of TEP, which raises
5 the question: Is this a TEP document or a DOE document? |
| PR-6 | 6 No consideration is given to the impact on people
7 on the ground, hiking, backpacking, even hunting, using the
8 National Forest as it's currently intended.
9 It may come as a shock to TEP or DOE that many
10 people get out of their cars and hike in this essential area
11 and most beautiful part of the Tumacacori EMA. Between
12 Pena Blanca Lake and Ruby the area near Sycamore Canyon and
13 north is a popular place to camp. This unfamiliarity with
14 leaving the car permeates the DEIS. Time after time
15 regarding wildlife, regarding plant life, regarding cultural
16 artifacts the DEIS says no surveys were done or no specific
17 survey information is available. Nobody has gotten out and
18 walked and surveyed most of these routes.
19 Now we are supposed to take this lack of
20 information and make an important informed decision. How is
21 this possible? |
| PR-7 | 22 The maps to the routes are far too vague. The
23 routes should be plotted on USGS 7.5 minute topos at a
24 minimum. I have tried to follow them through the hilly
25 terrain, and it's just a guessing game. |

Comment No. PR-5 (continued)

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Likewise, a smaller transmission line in lieu of the proposed 345-kV line (e.g., a 115-kV line) would not meet the international interconnection aspect of TEP's proposal. Therefore, these alternatives are not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. PR-6

Sections 3.1.2 and 4.1.2 discuss existing recreational settings and activities, and analyze potential impacts to recreation from the proposed project.

In support of preparation of the Draft EIS, field surveys were performed for a number of resource areas for each of the proposed corridors. Section 4.3.2, Vegetation and Wildlife, has been revised in the Final EIS to discuss wildlife surveys conducted in the corridors. As documented in the Biological Assessments included in Appendices D, E, and F, field surveys were conducted for biological resources. Field surveys were also conducted for the recreational and visual resource analyses (see Methodology in Sections 4.1.2 and 4.2, respectively). NEPA requires the use of the best available science and information rather than the development of new information or surveys where none exist. However, for certain resources, field surveys may be required to meet other legal or regulatory requirements concurrently with the NEPA process, such as for the resources discussed above. In such cases, the results of field surveys are included in the EIS.

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km)-wide study corridors. If an action alternative is selected for implementation by each of the Federal agencies through the issuance of a ROD, then precise siting of the ROW and the support structures within the ROW would involve additional field surveys by cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed.

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PR-8 1 Sycamore Canyon is a candidate for Wild and Scenic
2 River Status and, as per a recent Court decision, is
3 entitled to full protection as such. This is not considered
4 in the DEIS.

5 The negative socioeconomic impact of a large
6 transmission line on any of these routes is not considered.
7 The greatest asset of this area, of the entire region is its
8 natural beauty. It is the key to the quality of life and
9 present and future economic prosperity. This transmission
10 line is essentially a taking of a public asset for private
11 gain. It will do much more harm than good on any route.

PR-9 12 It serves only TEP's interest and seeks to serve
13 Nogales' need only as an afterthought.

14 People come to the National Forest and to the
15 community surrounding it for the beauty of its mountains and
16 canyons and not for the spectacle of its power lines.

17 I ask the Federal agencies here to do what is best
18 for the area and its people, not simply what is best for
19 TEP. We need to save our public lands and bring forward a
20 better solution to the problem.

PR-3 21 In the absence of any other reasonable
cont. 22 alternatives please choose the no action alternative.

23 Thank you.

24 I have some pictures of the areas I have spoken
25 about in here that, if I could, I would like to submit to

Comment No. PR-7

The maps in the EIS are conceptual maps designed to be simple and user friendly, with adequate detail to show the location of the 0.25 mi (0.40 km)-wide study corridors. TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25 mi (0.40 km)-wide study corridors (see response to Comment PR-6 above), and therefore the maps in the EIS cannot show the precise proposed ROW locations.

Comment No. PR-8

Figure 3.1-1, Specially Designated Areas on the Coronado National Forest, has been revised in the Final EIS to show the portion of Sycamore Creek that is preliminarily eligible for designation as a Wild and Scenic River (the segment of Sycamore Canyon from south of Ruby Road to the U.S.-Mexico border). Based on a site visit by USFS resource specialists and others, the Western Corridor is not visible from the eligible area. The topography of Sycamore Canyon is characterized by a very deep canyon, thus reducing the likelihood that a viewer standing at the creek bottom would be able to see a transmission line located outside the canyon. Thus, if Sycamore Canyon were determined to be a Wild and Scenic River, the transmission line would not be visible from the wild and scenic reach of the river.

Comment No. PR-9

Sections 3.5 and 4.5 discuss the existing socioeconomic resources and address potential socioeconomic impacts as a result of the proposed project. Section 3.5 has been revised in the Final EIS to describe existing socioeconomic aspects of tourism in the project area, and Section 4.5 has been revised to discuss potential impacts to socioeconomic aspects of tourism. Section 4.5 includes a discussion of the reasons that potential impacts to property values as a result of the proposed project are speculative and beyond the scope of the EIS. A cost-benefit analysis is beyond the scope of the EIS.

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1 the panel. I don't know if that's possible.

2 MR. ANTHONY COMO: Absolutely. You can submit
3 them for the record, and we'll bring them with us, yes.

4 Do you have more than one copy?

5 MR. PETER RAGAN: No. I only have one copy.

6 MR. ANTHONY COMO: Can we keep them or copy them
7 and give them back to you?

8 MR. PETER RAGAN: Yes.

9 MR. JIM DeVORE: My name is Jim DeVore. I am a
10 registered professional engineer, mechanical engineer. I am
11 self-employed and do consulting work in the utility
12 industry.

13 I have spent more than 35 years in the natural gas
14 and electric utility business, about 13 of those with
15 combination companies, namely Arizona Public Service Company
16 and San Diego Gas and Electric Company. And I would like to
17 speak to you from the perspective of someone who has been
18 involved professionally in the energy business.

19 I'm amazed that a simple reliability project which
20 we first heard about to bolster the electric system in
21 Nogales has turned into such a huge project as this is.

22 I would like to point out that the type of system
23 that we are talking about here, a 345,000-volt power line,
24 is the sort of thing you see coming from a power source like
25 Hoover Dam or those of you that have been in the other large

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- 1 power producing areas taking power from a production area
2 into a major load area.
- JD-1 3 Now there is no such load area in Nogales, and the
4 prospects of there ever being more than residential and a
5 small commercial load as there is right now is very remote.
6 I don't think there is any of that kind of load in Mexico.
7 Maybe there could be some in the future, but to build a line
8 now of this magnitude to serve the load that exists doesn't
9 seem feasible at all.
- JD-2 10 In terms of reliability I think most of us would
11 agree, in my profession would agree that the power plant
12 option affords the best reliability. It's completely
13 separate from the source of energy that's there now. It
14 could be fueled by natural gas. There is a natural gas line
15 already from a major source of El Paso Natural Gas Company
16 to the Nogales area. And augmentation of that line and the
17 building of a power plant would cost far less than this kind
18 of transmission line and the kind of maintenance.
- JD-3 19 These kinds of lines are not only big and take
20 great space and have a tremendous impact, and I will leave
21 it to you that the impact statement has covered that, but
22 they require a tremendous amount of maintenance by very,
23 very specialized people. It requires very large and very
24 big equipment to perform that maintenance.
25 So it isn't as though you are going to build

Comment No. JD-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

In order to meet the international connection aspect of TEP's purpose and need, a 345-kV transmission line is required. If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

Comment No. JD-2

A new power plant in Nogales is not a viable alternative to a new, second transmission line. Therefore, the alternative of a new power plant (and associated augmentation of the local natural gas pipeline) is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. JD-3

The maintenance requirements of the proposed project are described in Section 2.2.4, Operation and Maintenance. More detailed information on the equipment that would be used for maintenance of the proposed project is contained in the Roads Analysis prepared for the proposed project (URS 2003a).

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JD-3 cont.	1 something simply through some of this very beautiful scenic 2 area and it will be there and no one will ever be there 3 again. To run this sort of system safely it takes a great 4 deal of maintenance by very big equipment.
JD-2 cont.	5 The alternative of augmenting a gas line, putting 6 a small compression -- I mean a small generation plant in 7 Nogales serves the purpose. It provides the reliability. 8 It is completely separate from any other system. The impact 9 of pipelines, I think most of you know, are very small. And 10 those of you that are concerned about pipelines, they are 11 very heavily regulated and very carefully controlled by the 12 Federal government by Federal regulations that are very 13 adequately imposed and regulated. 14 A lot of things would have to be done on a regular 15 basis. So I don't think there should be any concern about 16 that.
JD-4	17 So my comment is that I don't understand who is 18 going to pay for this. I'm concerned is the rate there to 19 Tucson Electric Power? I would remind you that they are now 20 in the gas business again, having acquired the facilities 21 from Citizens Utilities of the gas system that is in 22 Nogales. So it's not entirely as though they are not going 23 to be there in that business anyway. 24 I hope this will be helpful to everybody. Thank 25 you.

Comment No. JD-4

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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	1	MR. ANTHONY COMO: Mary Kasulaitis?
	2	MS. MARY KASULAITIS: My name is Mary Kasulaitis.
	3	I am a resident of Arivaca, and I grew up a few miles from
	4	Sycamore Canyon, which is going to be crossed by this power
	5	line. I made a statement of opposition to the power line
	6	two years ago, and I am prepared to make it again.
MK-1	7	I am opposed to both the western and crossover
	8	routes for this power line, and I am opposed to the need for
	9	a power line at all. But if built at all, the power line
	10	should follow the most direct path down the existing
	11	rights-of-way in the Santa Cruz Valley from Sahuarita to
	12	Nogales using the central route.
MK-2	13	The ACC told Citizens Utility that they needed an
	14	upgraded line, and this has now evolved into a massive power
	15	line that is designed to move much more electricity than
	16	what was originally directed and which will take electricity
	17	to and from Mexico.
	18	I am certain that what will happen in the future
	19	is that Mexican power plants unregulated the way they are in
	20	the United States will be built and power will be brought
	21	this way. Despite the fact that the Draft EIS says this is
	22	only speculation, I think it's very good speculation because
	23	that's what they are planning to do.
	24	Cheap Mexican power will be something that they
	25	can make money off of, and I don't think that that can be

Comment No. MK-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. MK-2

Information from the Mexican government indicates that there are no plans for any power plant construction in Mexico reliant upon, or otherwise connected to, TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapter 5, Cumulative Effects, of the Final EIS has been revised to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all applicable laws, regulations, and agency policies. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.

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MK-2 cont.	1 ignored at all in this Draft EIS. And if the Draft EIS 2 ignores it, then it is inadequate and needs to be redone.
MK-3	3 This Draft EIS appears to have been written for 4 the much smaller line. It does not discuss the problems 5 inherent in the 345-kV volt line and the complicated 6 environmental questions about how United States and Mexico 7 should trade power. 8 Just because TEP and its parent company, 9 UniSource, sees a lucrative market just a few miles away 10 from its offices in Tucson does not mean that TEP is the 11 right company from the job. 12 And after reading this Draft EIS, if it is any 13 example, I would say they are not at all prepared to build 14 this line given the inadequacies of the Draft EIS itself, 15 which I will go into in a lot more detail when I send in my 16 written comments. 17 Tonight I just want to mention a few things that I 18 think are the most important points that I would like to 19 make regarding the unsuitability of the western route for 20 the power line. 21 First, the western route is longer and more 22 difficult to traverse than the central route. It will be 23 more expensive. It is more circuitous, and it follows a 24 highly scenic area. It lies in the watershed of Sycamore 25 Canyon, which is an exceptionally valuable ecological
MK-4	

Comment No. MK-3

The EIS addresses the construction, operation, and maintenance requirements of the proposed 345-kV transmission line between the South and proposed Gateway Substations and continuing to the U.S.-Mexico border.

Regarding the trade of electricity across the U.S-Mexico border, the passage of NAFTA established the benefits of strengthening and enhancing the electricity trade with Canada and Mexico. Analysis of how the United States and Mexico should trade power is outside the scope of the EIS.

Comment No. MK-4

Sections 3.1 and 4.1 present analyses of the affected environment and potential impacts to land use from the Western Corridor, including impacts to the specially designated areas cited by the commentor. Sections 3.2 and 4.2 present analyses of existing and potential impacts to visual resources in the cited areas from the Western Corridor, and Sections 3.3 and 4.3 discuss the existing and potential impacts to biological resources.

Figure 3.1-1 shows that a segment of the 0.25-mi (0.40-km) wide Western Corridor within the Coronado National Forest overlaps Ruby Road. Visual Simulations 3 (referenced in Section 4.2.1) shows that the proposed transmission line in this segment overlapping Ruby Road would be on the south side of the road.

Comment No. MK-5

Section 4.12.1, Transportation, of the Final has been revised to clarify that roads to be closed on the Coronado National Forest to maintain the existing road density would be identified through the Special Use Permit process. This process would include USFS personnel who would coordinate the road closures with other multiple uses on the Coronado National Forest.

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MK-4 cont. 1 resource so that any construction for the power line will
2 inevitably cause damage to the canyon.

MK-5 3 There are very few roads there now, and the only
4 roads that are there are necessary roads. So TEP cannot
5 close some of them to build power line roads.

MK-4 cont. 6 The western route has been designed by TEP to
7 squeeze between the roadless areas and the Pajarita
8 Wilderness between the natural area and the cliffs of the
9 Atascosas. This is a travesty. It will take the scenic
10 Ruby Road and render it totally unseen. It's inaccurate in
11 the Draft EIS as to what side of the road they are even
12 going to put the power line on.

13 This is an area between that's called Bear Valley
14 in some cases and Pajarita Wilderness. This whole area is
15 in an area of incomparable natural beauty with no human
16 constructions to mar it. I can't imagine anything more
17 horrible than this immense power line cutting through it.

18 Perhaps the people who originally planned the
19 route did not realize what an exceptional place they had
20 chosen and perhaps they only thought it was suitable if it
21 had no people to complain to their congressman about the
22 power line. I'm sure the people in the Santa Cruz Valley

MK-6 23 don't want it either. No one wants it except TEP who will
24 be making a lot of money off of it.

25 And we expect the Department of Energy to take

Comment No. MK-6

The potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

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MM-1

1 appropriate steps to see that this is done correctly, and if
2 this is not correct that they withhold their permit.
3 Thank you very much.
4 MR. ANTHONY COMO: Mr. Magruder?
5 MR. MARSHALL MAGRUDER: I would like to talk to
6 you for a little while about visibility, and visibility is
7 very important on this particular case.
8 And there is some figures in the book, and I will
9 mention the numbers, Figure 4.2-3, and it shows that the
10 western route, for example, is not visible from the
11 travelway. It talks about I-19.
12 Well, the areas that it's not visible from are the
13 areas south of Green Valley in the area like near the Canoa
14 Ranch exit. What does I-19 look like in that place? We are
15 at the hill. There is a hill to the west of the interstate.
16 Of course they won't see the route because you are going to
17 look at the hill.
18 But as we all know, there is something like
19 8,000 houses planned to be built on top of those hills.
20 Every one of those houses will see that route for the next
21 50 to 70 years.
22 So the analysis when you look in that one figure
23 says, oh, there is no problem, you are not going to see them
24 from the travelway, from I-19. What really counts are the
25 people who live there all the time, the people whose

Comment No. MM-1

In Figure 4.2-3 of the EIS, the map of the Western Corridor is shaded to indicate visibility from travelways. As the Western Corridor crosses I-19 and continues southwest, residents, travelers, and recreationalists would have intermittent views of the proposed project in the foreground and middleground, with views from many areas in lower terrain obscured by the hills and mine tailings piles in the area.

While there is a potential for construction of new houses on the hills to the west of I-19 and almost anywhere in the project area, until plans are presented, new housing construction is speculative. If such housing construction were to occur, the transmission line may be visible from potential residences on the hills to the west of the interstate, depending on the terrain setting of each individual house. Information on the specific housing construction referenced by the commentor as it could relate to cumulative impacts has been added to Section 5.2, Reasonably Foreseeable Action Identification.

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

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MM-1
cont.

1 property values are going to be decreased, the builders who
2 are not going to be able to make the profit margins that
3 they thought they were going to make on selling the
4 buildings and the people working in the construction
5 industry that won't have jobs.

6 So it has a strong economic influence, visibility.

7 It was mentioned earlier in this last section, 20 to

8 25 percent loss or gain in value due to visibility.

9 And the people that live here in Green Valley and

10 Arivaca and Tubac and even Rio Rico visibility is very

11 important when you decide where you want to live. People

12 spend a long time if they are building a house where they

13 want those windows. They spend a long time deciding which

14 house to buy. It's all based on the view. And the view is

15 scenic in Arizona.

16 Our famous Arizona Highways magazine is our

17 magazine. I am getting emotional. You guys do it. I got

18 emotional last time.

19 But the Arizona Highways, it's our magazine. It's

20 a famous magazine. It shows things that are real Arizona.

21 And that I have looked and looked and looked and never seen

22 a transmission line in it. They just don't make it. And I

23 think that we shouldn't support things that involve one of,

24 if not the most important thing, that we all think about and

25 that's visibility.

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MM-2

1 I have some specifics that I have handed out, but
2 another place it shows where the route crosses Arivaca Road.
3 This says, oh, it's bad visibility when you see where it
4 crosses Arivaca Road. Everybody here knows where the
5 natural gas line crosses Arivaca Road. Is that where you
6 want to see 140-foot towers? See, the tallest structures in
7 the Santa Cruz County will start when those structures enter
8 Santa Cruz County. There will be nothing else manmade other
9 than a TV antenna or two that's that tall.

10 So why should these big towers exist and stay
11 there for such a long time?

12 The next thing is the color and the texture on
13 these towers. It's been decided, and I don't know how they
14 decided, but there is a way you can buy an automatic rusting
15 tower, and the towers will rust naturally, and they will
16 look like telephone poles. Well, there are very few
17 140-foot telephone poles around that are six feet in
18 diameter at the bottom, but that's what we are going to
19 have, 140-foot telephone poles that are six feet on the
20 bottom. That's a pretty big pole.

21 But let's look and think about what it means from
22 the visibility. We have a dark, rust colored tower, and
23 what do we see in the background in this state most of the
24 time? We see light blue sky, or sometimes we see clouds.
25 Tremendous contrast between dark red, brown, black and the

Comment No. MM-2

Section 4.2 analyzes potential impacts to visual resources. TEP, together with visual, cultural, and biological specialists, would site structures on the landscape so that viewers would see land or vegetation (such as a mountain) behind the structure rather than sky, where feasible (that is, so the structures are not skylined). Thus, the self-weathering monopoles were selected because they would blend better with the background of land or vegetation than gray or silver dulled galvanized steel would.

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MM-2
cont.

1 skylight. That contrast is what makes them look so ugly.

2 And I have made suggestions. I even made a
3 suggestion last week at a different Line Siting Committee
4 that the use of dull galvanized steel, which is that gray
5 color, would make it better. But I have tried, and TEP
6 refuses to listen to this argument. I lost during that
7 debate. I lost in that debate during the Line Siting
8 Committee hearings. They refused to have any other color
9 than black or dark brown. I am a retired Naval officer.
10 Naval officers hate rust.

11 Thank you.

12 MR. ANTHONY COMO: Next speaker. I feel
13 embarrassed not being able to pronounce his name.
14 DiGiacomo, Jim DiGiacomo?

15 MR. JIM DiGIACOMO: Hi. I am Jim DiGiacomo. I
16 live at Quiet Desert Ranches, McGee Ranch Road.
17 And I would like to thank Mr. Magruder for being
18 an intervenor at all of these meetings and keeping us all up
19 to date on this.

20 I have been to several of your meetings, even the
21 ones two and a half years ago at Rancho Resort and the
22 different places, and there has been hearings, there has
23 been correspondence, there has been e-mails, there is media
24 about this power pole project that's been going on for more
25 than two and a half years.

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- JD-1 1 Justification has yet to prove the need for this
2 project. Santa Cruz County does not want it, but yet we
3 hear it is necessary to bring power to Santa Cruz County for
4 economic reasons.
5 In supporting economics in one county you remove
6 some properties and decrease the value on others. This to
7 me is helping one but destroying many.
- JD-2 8 There continues to be discrepancies in information
9 and communication especially to those that are affected the
10 most. In the development where I reside this project will
11 displace at the least 10 homes and lower the value on
12 neighboring properties.
13 In our development you will be displacing the
14 children, grandchildren and great grandchildren of a pioneer
15 family who settled there in the late 1800's, the McGee
16 family.
17 There still continues to be a total disregard and
18 disrespect for the residents and pioneers of southern
19 Arizona.
20 The attitude, this I don't care attitude continues
21 and it is a done deal. You certainly are not winning
22 friends.
23 There exists three sets of power poles on the west
24 edge of my property, the gas line, cable, phone lines are on
25 the western edge. We don't need any more power lines on my

Comment No. JD-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. JD-2

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km)-wide study corridors. If an action alternative is selected for implementation by each of the Federal agencies through the issuance of a ROD, then precise siting of the ROW and the support structures within the ROW would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed. For this reason, the Final EIS cannot include information on whether or how many homes would be displaced by the proposed project. If implementation of the proposed project requires condemnation of residences or private lands, such condemnation would be subject to separate legal proceedings which provide due process for those affected. TEP would avoid condemnation wherever possible.

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

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1 property.

2 Recently in the news you may have read of the two
3 falling power pole incidents, the one in Tucson where the
4 people were trapped in their cars for awhile, and even more
5 recently the one in Ocotillo Ranch next to the McGee Ranch
6 where a 7,000-pound transformer fell into the road. We are
7 fortunate that the local school bus was not on the road at
8 that time.

9 In closing this statement, I want to say that
10 there are many of us, possibly hundreds, myself included,
11 men and women who have served in the armed forces to defend
12 our country and its freedom. So why are you forcing us to
13 defend our homes and our land?

JD-3 | 14 So let's put this project to rest now, save
15 embarrassment to the State of Arizona, allow your
16 grandchildren to grow up respecting the decision you make
17 being the right one. Don't let them grow up hating you for
18 making the wrong one.

19 Thank you.

20 MR. ANTHONY COMO: Richard Paige?

21 MR. RICHARD PAIGE: My name is Richard Paige.
22 I've a resident of Green Valley. I moved to Green Valley
23 about seven and a half years ago when I retired.

RP-1 | 24 Like most of the people in this room, I'm deathly
25 opposed to all of these routes going down the power lines.

Comment No. JD-3

The Federal agencies note the commentator's opposition to the proposed project.

Comment No. RP-1

Several routing alternatives were considered but eliminated from further analysis that involved part or all of a route through the Santa Cruz Valley. Refer to Section 2.1.5 in the Final EIS for an explanation of these alternatives and the reasons for elimination.

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- RP-2 1 There is no reason for it. I mean this whole
2 thing is a disguise to get power down to Mexico from a large
3 corporation to make money.
4 Originally when the ACC said that they needed to
5 improve the power lines to bring additional power down to
6 Nogales a lot of those problems they were having a few years
7 ago seemed to be resolved. They have done improvements to
8 the existing power lines and stuff down there. And they
9 don't have the power outages and stuff they used to have
10 down there.
11 And reading the impact statement it seems like
12 only 20 percent of the power is actually going to be needed.
13 The rest of it is going down to Mexico. And I don't know
14 why we have to trash one of the most pristine areas in all
15 of the southwest, not just Arizona. When you start talking
16 about going down through Atascosas and Bear Valley, I mean I
17 retired to this area. And I'm a former hike master for the
RP-3 18 Green Valley Hiking Club. I am out in the mountains three
19 to four days a week. I hike down to Sycamore Canyon. I
20 hike in Hells Gate and Peck Canyon and all of these areas
21 down there and Bear Valley.
22 And it would be a travesty to sit there and see
23 140-foot power lines going through one of the most pristine
24 areas of all of the southwest.
25 It is by far one of the only places left where

Comment No. RP-2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis. As discussed in section 2.1.5, improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line.

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...."

Comment No. RP-3

The EIS includes discussions of Sycamore and Peck Canyons in the affected environment sections (Chapter 3), and evaluates potential impacts to these areas (Chapter 4).

Comment No. RP-4

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km)-wide study corridors. After each agency has issued a ROD, the precise siting of the ROW, and siting of the support structures within the ROW, would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed. For this reason, the Final EIS cannot include maps showing a precise location for the ROW (see Section 3.1.1 of the EIS). Also, due to the scale and the level of detail shown in the EIS figures, topographical lines (lines showing elevation contours of the land) are not included in order to present simplified, user-friendly maps.

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RP-3 cont.	1 there is no development whatsoever. It is just a gorgeous 2 place. And the environmental impact that will be had, I 3 don't think anybody can quantify it. But to think that 4 that's all going to be trashed for power to go down to 5 Mexico is beyond me. I just don't understand it. 6 And I just urge everybody that hasn't been in 7 there, and like the other gentleman said, I have been there 8 all the time, I am trying to figure out where this thing is 9 going to be run and how it's going to be run down there, and 10 you cannot tell from the diagrams that you have got. 11 They need to be mapped out on an USGS topo map and 12 be more specific in nature. 13 But even if that happened, I mean it just is 14 beyond me to think that you would actually run power lines 15 down through Sycamore Canyon and Peck Canyon. Peck Canyon 16 is just and Sycamore Canyon is just a wonder. It's a 17 treasure that we have. And you can't destroy it. And 18 putting power lines in there is going to destroy it. There 19 is no way around it. 20 So I urge everybody, I urge the Forest Service, 21 the Coronado National Forest not to amend their management 22 program and policies to allow this to happen. It just 23 can't. 24 I know there is nimbus stuff, not in my back yard, 25 and I for one don't want to be that way, but to suggest that
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Comment No. RP-5

The Federal agencies note the commentator's opposition to amending the Forest Plan.

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RP-1
cont. 1 you would run on that western route power lines down through
2 there, I would rather see them go right down through the
3 center of the Santa Cruz Valley, not that I want to see that
4 happen, but if it's going to happen, I would prefer to see
5 that happen than what the proposal is.
6 And the only reason the proposal is, well, because
7 there is no people out there. There is a lot of other
8 things out there other than people, and we ought to keep it
9 that way.
10 Thank you.
11 MR. ANTHONY COMO: John Rueb?
12 MR. JOHN RUEB: I am John Rueb, a resident of the
13 Arivaca area near the proposed western route. Thanks for
14 the opportunity to make a few comments concerning your Draft
15 EIS.
JR-1 16 I am entirely against the construction of the
17 345-kV lines in any location. I believe they are totally
18 unnecessary and complete overkill for the needs of Nogales
19 and Santa Cruz County.
JR-2 20 A 115-kilovolt line would be more than sufficient,
21 and a local power plant would be even more appropriate for
22 providing excess capacity for future energy needs.
JR-3 23 Curiously there is no comparative effects of this
24 alternative in your draft. So why are Santa Cruz County
25 residents, one of the poorer counties in the state, forced

Comment No. JR-1

The Federal agencies note the commentor's preference for the No Action Alternative.

Comment No. JR-2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. JR-3

Because the proposed corridor alternatives would be purposely sited away from residential areas and in sparsely populated areas in order to avoid impact on large numbers of residences, the Federal agencies conclude that no potential for disproportionately high and adverse impacts among low-income populations would be expected (see Section 4.13, Environmental Justice).

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JR-3
cont.

1 to pay for an intrusive monstrosity which will be of little
2 incremental benefit to them? They are being adversely
3 impacted financially as well as environmentally by this
4 power line.

JR-4

5 So let's get to the real reason for the lines,
6 which of course is to trade power with Mexico. Part of the
7 North American Energy Alliance, a NAFTA of sorts for energy
8 which has sprung from energy deregulation, this deregulation
9 has played a significant role in energy disasters on both
10 coasts. Apparently we need less horse racing and more
11 public regulation of energy markets.

12 We are learning the hard way that we can't rely on
13 the Ken Lays of the world to deliver power where it is
14 needed. One of the California energy swindle perpetrators
15 has gone belly up, but others are lining up to sell power to
16 the state from new plants constructed just south of the
17 border. As many as 20 such plants are in the works. Why?
18 Low construction costs, cheap labor, quick licensing and lax
19 environmental regulations.

20 So even though Arizona currently has excess
21 generating capacity, the intentions are obvious, and the
22 energy will flow through these lines from the cheapest
23 source.

24 It's not about backup power for Nogales. That's
25 just the cover story.

Comment No. JR-4

Information from the Mexican government indicates that there are no plans for any power plant construction in Mexico reliant upon, or otherwise connected to, TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS. Section 5.2.4, Power Plants in Mexico, has been added to the Final EIS to clarify that the nearest location to TEP's proposed project for existing or planned power plant construction in Mexico is in Naco, Sonora, approximately 75 mi (120 km) east of Nogales.

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JR-4
cont.

1 Unfortunately, our environment has little concern
2 for lines on a map. Our prevailing winds are from Mexico.
3 What's left of the Santa Cruz River flows from Mexico, and
4 we share the same Sonoran Desert ecosystem.

5 Your document does not address, and I quote,
6 National Environmental Policy Act Guidelines: "Cumulative
7 effects of reasonably foreseeable future actions regardless
8 of what agency or persons undertakes such other actions,
9 cumulative effects can result from individually minor but
10 collectively significant actions taking place over a period
11 of time." These effects include indirect effects which are
12 caused by the action and are later in time or farther
13 removed in distance but are still reasonably foreseeable.

14 In other words, this is the last opportunity we
15 will have to mitigate the environmental effects of the
16 foreseeable consequence of this line, poorly regulated power
17 clients at the other end operating in our ecosystem.

18 After this power line is built it's out of our
19 hands and into the arms of the multinational energy
20 corporations which will seek only to maximize shareholder
21 value. Further environmental degradation is inevitable
22 beyond that of the lines themselves.

23 In summary I urge DOE to include these reasonably
24 foreseeable future actions and indirect effects in your
25 final draft and decision.

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JR-4 | 1 NEPA guidelines lead you to a cumulative effects
cont. | 2 analysis which considers expanded geographic and time
JR-2 | 3 boundaries. Also, include a comparative effects analysis of
cont. | 4 a local Nogales power plant alternative. And three, settle
JR-5 | 5 on the no action alternative since a return to an analysis
6 of Nogales' alleged energy shortfalls will show that
7 subsequent upgrades and existing backup power may be
8 sufficient.
9 Thank you.
10 MR. ANTHONY COMO: For the moment at least we have
11 run out of people who have signed up, but we are committed
12 to stay here at least until 9 o'clock.
13 Could I suggest that we will just go off the
14 record and take a break for 10 minutes if you want, get a
15 cup of coffee. Before we even do that, does anybody want to
16 speak now?
17 AUDIENCE: I would like to ask this question. If
18 we speak at this meeting, can we speak at another meeting?
19 MR. ANTHONY COMO: Absolutely.
20 Ralph Shelton?
21 MR. RALPH SHELTON: Ralph Shelton, Arivaca.
RS-1 | 22 I share concerns that the power is going to be
23 moving north rather than south. And I am very much
24 concerned about Sycamore Canyon as other people have said.
25 The reason I asked to speak is I have the 23,

Comment No. JR-5

As explained in Section 2.1.5 of the EIS, local generation and/or improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line.

Comment No. RS-1

Information from the Mexican government indicates that there are no plans for any power plant construction in Mexico reliant upon, or otherwise connected to, TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapters 3 and 4 include discussions on potential impacts to Sycamore Canyon for a number of different resource areas.

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RS-2

1 August, 2003 issue of Science Magazine, and it says that the
2 FCC is to probe the role of towers in bird deaths. Bowing
3 to pressure from bird advocates the Federal Communications
4 Commission has launched a major inquiry into the impact that
5 the nation's 100,000 communication towers are having on bird
6 populations. The agency last week began collecting public
7 comment on everything from the quality of existing studies
8 to ideas for new research.

9 You can read this text, but it's another issue
10 concerning the environment of these towers. Thank you.

11 MR. ANTHONY COMO: Thank you.

12 Rob Kasulaitis?

13 MR. ROB KASULAITIS: I am Rob Kasulaitis from
14 Arivaca.

15 I hadn't planned on speaking tonight, but there is
16 several things I mentioned two years ago, and I still don't
17 see that they have been addressed.

18 The area where the power lines are going to run
19 through one part will create a problem with the military
20 training area which is west of the Tumacacori Mountains.

RK-1

21 They are supposed to have control of the air space from
22 100 feet to something like 35,000 feet.

23 There is pilots in there training many times. And
24 a lot of you might think, well, they would never get down
25 that low. That's not true. I have walked on mountains

Comment No. RS-2

The Federal agencies reviewed the article submitted by the commentor and concluded that the Federal Communications Commission's (FCC's) probe into the role of towers in bird deaths is not directly relevant to the proposed project. However, the issue of bird mortality from the proposed project is addressed in Section 4.3.4 of the EIS.

Comment No. RK-1

The Federal agencies and TEP initiated consultation with Davis Monthan Air Force Base regarding potential impacts of the proposed transmission line on military flight operation. In response to the consultation, a representative of Davis Monthan Air Force Base stated that they had no issues to raise with respect to any of the proposed corridors, but that the proposed Western Corridor could impact the FUZZY Military Operating Area, controlled by the 162nd Fighter Group Airspace in Tucson. Information regarding the proposed project was forwarded to the 162nd Fight Group Airspace Manager and a copy of the Draft EIS was sent for the manager's review and comment. However, no comment was received concerning the potential impact on military flight operation from the proposed project (see Chapter 10 and Appendix A of the EIS).

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RK-1
cont. 1 while I am hunting and wave at pilots below me, so I know
2 that that can be the case. These power poles extend up
3 140 feet. I would hate to lose a pilot, but it will sure
4 create a mess if someone was to pilot into one of those
5 power lines sticking up out of the desert like that.
6 Another thing I am concerned about is providing
7 another path, a substantial path to guide people north, our
8 nighttime visitors, our illegals that come across the border
9 en masse in this area.
RK-2 10 Our borders are not closed. They are not
11 controlled. It's like a wild horse drive. I mean as soon
12 as the sun goes down, they start moving and they move fast.
13 And they don't pick up after themselves. It is one pile of
14 garbage after another. And it's not that these people love
15 to trash the place, but when they are picked up, they can't
16 take anything with them. So they have to leave all of their
17 belongings behind.
18 I look at that illegal problem as a modern day
19 slave trade. And we are allowing that to happen, and by
20 building a path that they can follow north, trust me, they
21 will use it, and we will be able to spot where to pick up
22 the garbage by the power lines.
23 Thank you.
24 MR. ANTHONY COMO: Brad Knaub?
25 MR. BRAD KNAUB: My name is Bradley Knaub. I live

Comment No. RK-2

The Federal agencies solicited comments from the U.S. Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002).

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- | | |
|------|---|
| | 1 in Arivaca, and I have lived there for 22 years. |
| BK-1 | 2 And I don't even have electricity going to my
3 house, so I don't have to look at a power pole. And if I
4 have to look at them going through the National Forest, yes,
5 it would be a travesty when we already know that we don't
6 need the power lines anyways because there is plenty of
7 proof of that. We heard plenty of other people discuss
8 that. I don't need to go through that. |
| BK-2 | 9 It just seems to me for the people that do have to
10 pay for power the cost of going through that route has to be
11 tenfold of what it would be to go down through Santa Cruz
12 County where there is already roads through there. And I
13 don't think the people that have to pay for the power would
14 appreciate that very much. |
| BK-3 | 15 And of course, I don't even see how they can do
16 it. If you have ever been down through there, it's
17 impassable. And for them to put roads in to put this power
18 line in there is just going to destroy an incredibly
19 beautiful place that you can hardly get through there now on
20 a good day. |
| BK-4 | 21 And the power line is just going to destroy
22 archaeological sites that we know are there and
23 archaeological sites that we don't know are even there yet
24 because that place is so wild down there that you can hardly
25 even get into some of these canyons to find these |

Comment No. BK-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, which provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. BK-2

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

Comment No. BK-3

Sections 3.2 and 4.2 discuss the existing visual resources and potential impacts to visual resources from the proposed project.

Comment No. BK-4

Sections 3.4 and 4.4 discuss the existing cultural resources and potential impacts to cultural resources from the proposed project. The Federal agencies are developing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in

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BK-4 cont. 1 archaeological areas, petroglyphs, you know, historical
2 sites from prehistoric villages, whatever. There is all
3 kinds of stuff down there.

BK-5 4 And I think also the issue of opening up another
5 route for the illegals to come up through is also a very
6 important issue to consider on this.

BK-6 7 And definitely the power plant in Nogales I think
8 would be the most reasonable option.
9 Thank you.
10 MR. ANTHONY COMO: Thank you.
11 Bruce Schockett?
12 MR. BRUCE SCHOCKETT: Hi, I am Bruce Schockett. I
13 live in Arivaca. I have been living in Arivaca since about
14 1986.
15 I came to the Arizona area around 1973.
16 Throughout that entire time I have been hiking in that
17 general area, Sycamore Canyon, Peck Canyon, and it's not
18 only a local treasure, it is a national treasure. And to
BS-1 19 destroy and putting in power poles will definitely destroy
20 it is just a travesty. And as we get older, we think about
21 our legacy to our children, to our grandchildren, and there
22 are times when I think to myself okay, son, this is what I'm
23 responsible for.
24 I'm a professional photographer, and I show my son
25 my photos of that area. Just think. What is the legacy of

Comment No. BK-4 (continued)

consultation with all parties who are participants in the Programmatic Agreement.

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan would be developed in consultation with tribes, the, appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.

Comment No. BK-5

The Federal agencies solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

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1 those people that build those power lines?

2 Thanks.

3 MR. ANTHONY COMO: Just for the record, this is

4 Marshall Magruder.

5 MR. MARSHALL MAGRUDER: I'm Marshall Magruder.

6 I would like to talk about a few things we

7 mentioned in the last session that didn't quite get

8 completed. One of them that's already mentioned this

9 evening and that concerned the 20 percent of the line being

10 used for the people in Santa Cruz County. That would be

11 20 percent of 500 megawatts or 100 megawatts.

12 Now the electrical engineer who was talking a

13 little while ago you know what that is? That's 20 percent.

14 But the fact is our peak load in the history of Santa Cruz

15 County is 57.8 megawatts. They want to charge us for

16 100 megawatts firm delivery.

17 When you add that up, the people in Santa Cruz

MM-3 18 County will pay \$30 more per month when they pay for the

19 capital costs of the transmission lines and the firm power

20 for backup. This is a backup power line system. It is not

21 a primary power line system. It's backup because the

22 present line is cheaper to operate.

23 So the Citizens, the old utility, said let's use

24 the old line and not the new line.

25 They made a firm contract agreement for

Comment No. BK-5 (continued)

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002).

Comment No. BK-6

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. BS-1

Chapters 3 and 4 discuss Sycamore and Peck Canyons and evaluate potential impacts for a number of different resource areas.

Comment No. MM-3

After a utility company such as TEP constructs a project, the ACC determines whether or to what degree an investment by a utility is recoverable through consumer electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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MM-4	<p>1 100 megawatts for this new line because we might be able to 2 sell it in Mexico and make some money on the side. 3 Well, that's a big gamble. I don't really think 4 that gamble is what the people in Santa Cruz County want. 5 However, this is two, twin, two circuits of 6 1,000 megawatts. It's really a 2,000 megawatt line. They 7 only have current available in South Station for 500, 8 actually, 350 megawatts. They don't have the 2,000 readily 9 available now, but the system is designed, the interstate 10 highway is built for 2,000 megawatts. They might only 11 operate one lane on each side of the interstate, but they 12 built the road, and that's what happens with this project. 13 With 2,000 megawatts and our normal demand being 14 below 50, that's below 2 to 3 percent of the capacity of 15 this line is all that we will get in Santa Cruz County. So 16 this line is not what we need.</p>
MM-5	<p>17 Next subject. The Caterpillar proving ground was 18 in here during the last time. The thing that's interesting 19 about the Caterpillar problem and the reason I want to 20 mention this for the record is when they testified before 21 the Arizona Corporation Commission it turns out that their 22 proving ground to get outside of it they might have to leave 23 the two-mile corridor that the Arizona Corporation 24 Commission told them they had to stay inside of. If they 25 get outside of that two-mile corridor, they violate</p>

Comment No. MM-4

The maximum level at which the proposed 345-kV transmission line would be operated is 500 MW. If TEP wanted to operate the proposed 345-kV transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA.

Comment No. MM-5

Caterpillar's suggested re-route would be on land owned or leased by Caterpillar, but it is outside the corridor that the ACC directed TEP to use. Accordingly, ACC approval would be needed in order to re-route the line as suggested. The ACC declined to accommodate Caterpillar's request for re-routing at the January 3, 2002 hearing on the CEC. Because of this limitation and because the agencies have less information about the environmental characteristics of this route than about the corridor alternatives, the suggested reroute option is not available for selection by the agencies at this time. Therefore, as discussed in Section 2.1.5, this suggested reroute was eliminated from detailed analysis in this EIS. If, following the issuance of Federal agency RODs, TEP were to propose use of this alternative route, the Federal agencies would evaluate the need for additional NEPA review.

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

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MM-5 cont.	<p>1 Condition 30 in that agreement. Condition 30 says if you</p> <p>2 can't carry out everything in this agreement, it's null and</p> <p>3 void. So it's very important that final decision for the</p> <p>4 Caterpillar Corporation.</p>
	<p>5 And that's been a year and a half, and that</p> <p>6 negotiation obviously hasn't been completed, another action</p> <p>7 that should be done by Tucson Electric.</p>
MM-6	<p>8 Electromagnetic force or field from</p> <p>9 2,000 megawatts is much more than 500 megawatts by at least</p> <p>10 a factor of four, which means you have to have a wider</p> <p>11 right-of-way which needs to be taken -- so all of the</p> <p>12 numbers in the entire Environmental Impact Statement on how</p> <p>13 many square feet or acres they are using are all erroneous.</p>
MM-7	<p>14 There is a little comment in Chapter 9 on</p> <p>15 additional studies that need to be done, and it says under</p> <p>16 there in the FAA that we don't know yet if we have to put</p> <p>17 balls and lights on the wires and towers. That really makes</p> <p>18 it easy for the illegal aliens. It really makes it really</p> <p>19 easy for them when you light them up.</p> <p>20 But why don't they know? Why hasn't this been</p> <p>21 decided? This is an immature proposal. It's</p> <p>22 pre-engineering stage.</p> <p>23 I was embarrassed when I read their application at</p> <p>24 the Arizona Corporation Commission as an engineer. It was</p> <p>25 an embarrassment to my profession. It still is.</p>

Comment No. MM-6

Refer to the response to Comment MM-4 within this transcript regarding operation of the transmission line at 500 MW. The maximum EMF levels listed in Table 4.10-2 were calculated based correctly on operation of the proposed 345-kV transmission line at the 500 MW level. The proposed ROW width is appropriate for operation of the 345-kV line at the 500 MW level.

Comment No. MM-7

The Federal agencies conducted consultation with the FAA (see Table 10-1, and letter in Appendix A), and the FAA indicated that the only requirement would be to adhere to State of Arizona statutes in regard to tower construction. Table 2.2-2, TEP Mitigation Practices Included in the Proposed Action, measure number 7, has been revised to reflect this requirement.

The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

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MM-8	<p>1 Next subject: The Border Patrol. Are they going 2 to approve this application? Are they involved in this 3 process? 4 I have talked to Mr. Sanders, who is a deputy 5 Border Patrol manager in Tucson. He is violently against 6 this transmission line. He just thinks it's the worst thing 7 that could happen. He even asked them to put TV cameras on 8 with infrared so he could use it help pick up the people 9 because he doesn't have the patrolmen to assign them full 10 time on this new highway of human traffic.</p>
MM-9	<p>11 Another little point, in the Federal Register that 12 announces the project it talks about the three routes, and 13 the eastern route was canceled, but there was an eastern 14 route, a central route and a western route. 15 It's a little technical, but Segment 9 deviated in 16 Tubac on the central route, and it went behind a little 17 mountain peak called Cerro Pelon. It went behind that and 18 then came back in. That was the same route that was in the 19 Federal Register, same route, the central route that is in 20 their application to the Arizona Corporation Commission. 21 The eastern route in that particular portion ran 22 on Segment 10, which ran continuously down the transmission 23 line. 24 The central route, therefore, as shown in the 25 present Draft EIS is erroneous in that one area. It's the</p>

Comment No. MM-8

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

Comment No. MM-9

The information on routes presented during the scoping process is intended to be preliminary in nature and is not intended to be a final determination of routing or topics that ultimately are to be analyzed in the Draft EIS. In fact, one of the stated purposes of scoping is to refine alternatives and issues to be addressed. The analysis that occurred between scoping and publication of the Draft EIS refined the actual Central Corridor to be considered for environmental effects. The Central Corridor is correctly shown in the Draft EIS.

The Federal agencies are preparing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in consultation with all parties who are participants in the Programmatic Agreement.

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MM-9 cont.	1 wrong route, and it needs to be changed.
	2 There are about 25 figures that need to be changed
	3 in the document to reflect that item.
MM-10	4 During the Line Siting Committee hearings over
	5 70 percent of the National Forest area has never been looked
	6 at from an archaeological survey viewpoint, never looked at,
MM-11	7 never catalogued, never assessed, never evaluated.
	8 The Native Americans have treasures there that
	9 they don't know are there and they want to know they are
MM-11	10 there. They don't want somebody else to take them.
	11 Also, there is the jaguar. That's our jaguar.
	12 That's our most important number one species in the mammal
MM-11	13 wildlife of this North America. The jaguar was seen and
	14 last sighted in the United States in the vicinity of the
	15 western route. It's a precious animal. We want them to
MM-11	16 come back. They will never come back if the western route
	17 is installed.
	18 Thank you.
MM-11	19 MR. ANTHONY COMO: Would anybody else like to
	20 speak now?
	21 MR. MARSHALL MAGRUDER: I have got more. I have
MM-11	22 got 60 pages more.
	23 MR. RICHARD PAIGE: My name is Richard Paige. I
	24 spoke earlier. I have a question, not so much as a -- I
MM-11	25 would like to speak again. But about two and a half years

Comment No. MM-10

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan would be developed in consultation with tribes, the, appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.

Comment No. MM-11

Sections 3.3 and 4.3 describe the existing biological resources and potential impacts to these resources, including impacts to jaguar.

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1 ago the first meeting I attended was one from New Mexico
2 Power and their proposal to run a power line from Palo Verde
3 Nuclear Power Plant down through here and into New Mexico.
4 Is that still a viable thing that's going on? Or is that
5 dead? Or is that something that's going to happen, also?

6 MR. ANTHONY COMO: That's like the \$64,000
7 question. That's about the fifth or six hundredth time I
8 have had it asked. We have had no contact, information,
9 notification from Public Service of New Mexico for a year,
10 year and a half.

11 MS. ELLEN RUSSELL: A Presidential Permit cannot
12 be issued in the absence of an environmental document. We
13 are not currently working on an environmental document for
14 the Public Service Company of New Mexico project.

15 MR. ANTHONY COMO: One of my colleagues in the
16 Bureau of Land Management, I guess it's not a secret because
17 he got a letter and it should be publicly available that he
18 received a letter from PNM asking them, I think, to
19 indefinitely suspend work on their application.

20 Now the Department of Energy hasn't gotten
21 anything. But we, also, like Ellen Russell said, we haven't
22 done anything on it. We are not even close to a draft
23 environmental document like you all are here for tonight. I
24 can't go beyond that and speculate what the company might be
25 up to. I can only tell you what has happened back home at

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1 DOE, which is nothing for over a year now.

2 MS. MARY KASULAITIS: I have a question, also.

3 This is just a question to ask how they have
4 written their response to issues raised by the public.

5 In the draft areas on Page 1-12 it says: The
6 following is a summary of issues raised by the public that
7 are beyond the scope of the EIS. And all of these are
8 issues that people are bringing up and similar to the issues
9 they brought up today that apparently TEP just doesn't feel
10 like answering. And so they will just say it's beyond the
11 scope of the EIS.

12 Well, I'm sorry, that's not exactly the answer
13 that we needed to hear. I mean if TEP doesn't want to do
14 something, they just say it's beyond the scope of the EIS?
15 Is that how they do it?

16 MR. ANTHONY COMO: Well, first of all, TEP doesn't
17 say anything in the document. It's the Department of
18 Energy, BLM's and U.S. Forest Service's document.

19 All of the issues that were raised here today and
20 will be raised in tomorrow's sets of meetings we will go
21 back, look at them, in some cases relook at them, and
22 collectively with DOE, Bureau of Land Management, Forest
23 Service and International Boundary and Water Commission,
24 ultimately it will be us that will decide whether issues are
25 in scope or out, to what extent and for what reasons.

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1 There were no decisions on the content of that
2 document that were made by TEP. They were all decisions
3 made by the Federal agencies responsible for preparing the
4 document.

5 MS. MAGGIE MELINOVICH: Maggie Melinovich.

6 If I write my letter, and it's more of an
7 emotional connection to the area because of all of the years
8 of hiking and all of the rest of that and the beauty
9 destroyed, that might just be set aside because -- no?

10 MR. ANTHONY COMO: No. It won't be set aside. It
11 will be physically reproduced and contained in the final.

12 MS. MAGGIE MELINOVICH: But have no weight?

13 MR. ANTHONY COMO: I can't tell you that it has no
14 weight.

15 The document that we are into right now is just an
16 analytical document. It's not a document in which you make
17 a decision.

18 We get on all types of projects, and I'm sure our
19 other Federal agencies have the same thing, agencies always
20 get comments that generally say they are either for or
21 against a particular action. That's just the nature of what
22 this type of work is.

23 And the reason why we're here tonight is really
24 very focused on getting information that we need to use to
25 modify the document. So we're interested in your thoughts.

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1 And if what we get from you is like you
2 characterized it primarily an emotional collection of words
3 as opposed to some of the analytical points that
4 Mr. Magruder brought out, it's just as equally important.

5 It would be difficult to figure out how we would
6 modify the document, change a table, change a map or
7 something like that, but it will appear in the document
8 nonetheless.

9 Why don't we take a 10-minute break. I am sure
10 the court reporter could use a break, and we are off the
11 record for awhile.

12 (Whereupon a recess was taken from 8:13 P.M. to
13 8:35 P.M.)

14 MR. ANTHONY COMO: We are back on the record now,
15 and Lynne Skelton would like to speak.

16 MS. LYNNE SKELTON: Good evening. My name is
17 Lynne Skelton. I am a council member for the Town of
18 Sahuarita. For the record I am speaking for myself and not
19 on behalf of the Town.

20 I wanted to bring to your attention one impact
21 that has not been brought up tonight, and that is of the
LS-1 22 South Substation and the modification that this would have
23 on the area.

24 There is a proposed high density residential
25 subdivision planned very, very near that South Substation

Comment No. LS-1

While there is a potential for construction of new houses almost anywhere in the project area, until plans are presented, new housing construction is speculative. If such housing construction were to occur, the South Substation and/or proposed transmission line may be visible from potential residences nearby, depending on the terrain setting of each individual house. Information on the specific housing construction referenced by the commentor as it could relate to cumulative impacts has been added to Section 5.2, Reasonably Foreseeable Action Identification.

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LS-1 cont.	1 that would have a major, major impact if there is any 2 modifications to that substation.
LS-2	3 I also wanted to voice the same concerns that I 4 have heard from other individuals tonight in the National 5 Forest area. 6 So please take that into your consideration when 7 you are making your decision. Thank you. 8 MR. ANTHONY COMO: Thank you very much. 9 Would anyone else like to speak? 10 If you could give your name when you get to the 11 microphone for the court reporter. 12 MS. ELLEN KURTZ: Thank you. My name is Ellen 13 Kurtz. And I have some concerns, which I will put down on 14 paper. 15 But one is in the north end of this line running 16 through the McGee Ranch area I'm concerned with the EMFs 17 that would be given off because I've been concerned with 18 this subject for another reason and have been getting more 19 and more information on it and seeing that there is more 20 information coming out on the bad effects of all of the 21 electromagnetics. And I really have a concern because there 22 are a lot of children up in this area, and I just don't like 23 to see someone exposed to all of these things and 24 needlessly.
EK-2	25 We feel that this line is not necessary because

Comment No. LS-2

The potential impacts to the Coronado National Forest from the proposed project are analyzed in Chapter 4 of the EIS, under each respective resource section.

Comment No. EK-1

The available data have not revealed any conclusive evidence that EMF exposure from power lines poses a hazard to animal or human health (see Sections 3.10 and 4.10, Health and Human Environment).

Comment No. EK-2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

A new power plant in Nogales is not a viable alternative to a new, second transmission line. Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

The Federal agencies do not have any information indicating that a power plant would be any more or less of a terrorism target than a transmission line. Section 4.11.1, Infrastructure, discusses terrorism concerns related to the proposed project.

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EK-2 cont.	1 the alternative of building a power plant in Nogales would 2 be much better with the problems that have come up with the 3 grid recently and in the past.
	4 And with all the fear of terrorism I think that we 5 would really become sitting ducks if we did not have local 6 power, and this is overkill on bringing a 345-kilovolt line 7 down to fulfill a 115-kilovolt need in Nogales.
EK-3	8 The other thing is a question that I have. In the 9 EIS there are summaries of the various routes, and there is 10 no photo or really any information on the route, on the 11 western route between the Arivaca Road and the National 12 Forest. And living right beside that I know that there is 13 quite a bit of activity going on both biologically and in 14 the animal world and even with a few of us humans around. 15 So I wonder why that has not been addressed.
	16 And that is all I have to say tonight. Thank you 17 very much.
	18 MR. ANTHONY COMO: Thank you.
	19 Anyone else like to speak?
	20 MR. PETER RAGAN: My name is Peter Ragan. I spoke
PR-10	21 earlier, but I wanted to bring up another point which I 22 didn't have time to address in my statement, which is I 23 mention on Chapter 2, Page 18, the DEIS mentions briefly 24 that explosive blasting may be used in any of the three 25 proposed corridors including portions of each on the

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The EIS analyzes potential environmental impacts for the entire length of each of the proposed corridors, including the portion of the Western and Central Corridors between the Arivaca Road and the Coronado National Forest, in Chapters 3 (Affected Environment) and 4 (Environmental Effects) of the EIS.

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Sections 4.3.2, Vegetation and Wildlife, and 4.3.4, Migratory Birds and Raptors, of the Final EIS have been revised to include analysis of the potential effects of explosives blasting. In addition, a mitigation measure has been added to the EIS (see Section 2.2) stating that no blasting would occur during peak breeding times for migratory birds (April through August) to minimize the impacts to migratory birds. The effects of blasting are unlikely to lead to a downward population trend or loss of population viability for any wildlife or migratory bird populations occurring in the project area.

Specific information on where explosives blasting would be required is pending final siting of the transmission line, which would occur only after issuance of a ROD by each Federal agency (if an action alternative is selected for implementation).

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1 Coronado National Forest as needed depending on geological
2 conditions.
3 Of course it doesn't go into any kind of
4 explanations of where that might be needed and how much
5 might need to be done. But that's a great concern to
6 anybody who is concerned about wildlife, especially birds,
7 migratory birds who are just tormented by that kind of
8 stuff.
9 If you look on the map, Chapter 4 or Chapter 3,
10 Page 64, it would appear that in the area right near the
11 mouth of Sycamore Canyon where the proposed power line would
12 cross, actually, cross the watershed Sycamore Canyon just
13 north of the proposed Wild and Scenic River Area, it appears
14 to be an area of what they call variable tertiary volcanic
15 rocks, which would seem to be a candidate for blasting.
16 Blasting holes just north of the Wild and Scenic
17 River Area with the kind of birds that canyon is famous for
18 is just completely out of the question and unacceptable.
19 And something like that would have to be studied and
20 extricated in great detail I would think before any kind of
21 activity could go on in that area.
22 And I am just wondering when that will be
23 addressed. The DEIS seems to say it will be addressed
24 pretty much after a route is chosen in there. And if
25 somebody starts picking on it and it's too hard, they can

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cont.

1 blast it out. And that's just completely unacceptable in
2 that area or any area of the National Forest, but especially
3 in an area like that or any canyon in which there is a
4 migratory bird population.
5 Thank you.
6 MR. ANTHONY COMO: Thank you.
7 Anyone else? We are going to close the record
8 now, but we are going to stay here until 9 o'clock. So if
9 anybody walks in late or if anybody changes their mind, we
10 will be glad to reopen the record.
11 Thank you all for coming this evening and have a
12 safe trip home.
13 (Whereupon the hearing was concluded at 8:43 P.M.)
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1 STATE OF ARIZONA

2 COUNTY OF PIMA

3

4 I, RAYNBO SILVA, Certified Court Reporter in the

5 County of Pima, State of Arizona, certify:

6 That the foregoing Public Hearing was taken before

7 me at the time and place therein set forth;

8 That the foregoing 46 pages comprise a full, true

9 and accurate transcription of my notes of said Public

10 Hearing;

11 That I am not of counsel nor attorney for or

12 related to either or any of the parties in this action, nor

13 interested in the outcome thereof.

14 DATED this 10th day of October, 2003.

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19 Raynbo Silva, RPR, CSR, CCR

Certified Court Reporter No. 50014

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